

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL L. MORGAN,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.
v.)	
)	1:10-cv-03555-AT
OCWEN LOAN SERVICING, LLC, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AND MERSCORP, INC.)	
)	
Defendants.)	JURY TRIAL DEMANDED
)	
_____)	

MOTION TO AMEND ORDER AND BRIEF IN SUPPORT THEREOF

COMES NOW, OCWEN LOAN SERVICING, LLC (“Ocwen”), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (“MERS”), and MERSCORP, INC. (“MERSCORP”) (Ocwen, MERS and MERSCORP collectively, “Defendants”), by and through their undersigned counsel, and file this their Motion to Amend Order and Brief in Support Thereof (the “Motion”), respectfully showing this Honorable Court as follows:

1.

On July 12, 2011, this Court entered an Order referring the above-referenced civil action to Magistrate Judge Linda T. Walker for the purpose of conducting mediation (the “Mediation Order”). See Docket No. 33.

2.

In the Mediation Order, this Court directed Defendants' counsel to provide Plaintiff no later than thirty (30) days prior to the scheduled mediation a complete list of documentation needed to consider Plaintiff for a loan modification. See Docket No. 33.

3.

This Court further directed Plaintiff to provide the requested documentation to Defendants' counsel no later than five (5) days prior to the mediation. See Docket No. 33.

4.

Finally, this Court directed that the mediation should be completed by September 15, 2011. See Docket No. 33.

5.

On July 26, 2011, Judge Walker entered an Order Setting Settlement Conference (the "Scheduling Order"), scheduling mediation in the above-referenced matter for August 25, 2011 (the "Mediation"). See Docket No. 35.

6.

The Scheduling Order was entered exactly thirty (30) days prior to the Mediation. See Docket No. 35.

7.

Therefore, Defendants were unable to comply with this Court's direction pursuant to the Mediation Order to provide a list of documentation to Plaintiff no later than thirty (30) days prior to Mediation.

8.

Counsel for Defendants contacted Magistrate Judge Walker's chambers to inquire as to whether the Mediation could be rescheduled and were informed that Magistrate Judge Walker does not have any availability to conduct the Mediation prior to September 15, 2011.

9.

The Mediation cannot be scheduled later than September 15, 2011 pursuant to this Court's direction in the Mediation Order.

10.

On August 11, 2011, counsel for Defendants attempted to contact Plaintiff via email and telephone in order to determine if Plaintiff would be willing to file a consent motion to address this issue.

11.

To date, Plaintiff has not responded to Defendants' counsel's communications.

12.

On August 12, 2011, counsel for Defendants sent to Plaintiff, via email and overnight mail, a copy of all paperwork that must be completed by Plaintiff for purposes of the Mediation.

13.

In order for the Mediation to be productive, it is necessary for Plaintiff to complete the paperwork requested by Defendants' counsel and for Defendants to have time to review said paperwork prior to the Mediation.

WHEREFORE, Defendants ask that this Court to enter an order amending the Mediation Order as follows:

- (1) Defendants' counsel is directed to provide Plaintiff no later than ten (10) days prior to the scheduled mediation a complete list of documentation needed to consider Plaintiff for a loan modification and any other potential settlement options; and
- (2) Plaintiff is directed to provide the requested documentation to Defendants' counsel no later than six (6) days prior to the mediation and bring a copy to the mediation;

Or, in the alternative, amending the Mediation Order as follows:

- (1) The mediation should be scheduled now and concluded by October 14, 2011; and

- (2) If this case is not settled by October 14, 2011, the parties are directed to file a status report with the Court by that date; and
- (3) All deadlines in this action are stayed until October 14, 2011, pending the outcome of the mediation.

RESPECTFULLY SUBMITTED, this 15th day of August, 2011.

MCCALLA RAYMER, LLC

/s/ Kent E. Altom

Kent E. Altom

Georgia Bar No. 014054

Meredith M. Barnes

Georgia Bar No. 633614

Attorneys for Defendants

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FONT CERTIFICATION

The undersigned counsel hereby certifies that the within and foregoing was prepared using Times New Roman 14-point font in accordance with LR 5.1(c).

This 15th day of August, 2011.

/s/ Kent E. Altom

Kent E. Altom

Georgia Bar No. 633614

Attorney for Defendants

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the within and foregoing MOTION TO AMEND ORDER AND BRIEF IN SUPPORT THEREOF has been sent electronically via the ECF system to registered users and by United States Mail, postage pre-paid, in a properly addressed envelope to:

Michael L. Morgan
110 Addison Court
Roswell, Georgia 30075
Plaintiff *pro se*

This 15th day of August, 2011.

/s/ Kent E. Altom
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